

**BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – June 6, 2006**

MEMBERS PRESENT

Kenneth Charest
Bruce Bell
Walter “Terry” Bowditch
William Dobrowolski
Joseph Herlihy
Daniel Shipley
James Murphy

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Andrew Black, Assistant Attorney General
Kim Baker-Stetson, Licensing Clerk
Susan Greenlaw, Board Clerk

Location: Central Conference Room

Start: 9:05 a.m. **Adjourn:** 1:45 p.m.

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

AGENDA MODIFICATIONS

Members agreed to add the following to the agenda:

- REA-222/236 Consent Agreement

OLD BUSINESS

Action on Minutes of May 2, 2006 Meeting

A motion was made by Walter Bowditch to approve the minutes of the May 2, 2006 meeting as written; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Herlihy, and Shipley voted in the affirmative; none opposed; Murphy abstained. Motion carried.

NEW BUSINESS

Administrator's Report

Rule changes pursuant to January 2008 – begin review in August or September.

Complaint Officer's Report

#REA-222/236: A motion was made by Walter Bowditch to accept the Consent Agreement as presented; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

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#REA-245: A motion was made by William Dobrowolski to find the licensee in compliance with the Consent Agreement and close this case; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#2006-REA-2478: A motion was made by Daniel Shipley to dismiss upon finding no violation of Board statute or rules; seconded by Walter Bowditch. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#2006-REA-2484: A motion was made by William Dobrowolski to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#2006-REA-2505: . A motion was made by Walter Bowditch to find grounds for violation and to dismiss upon finding no violation of Board statute or rules and issue a Letter of Guidance regarding confidentiality and proper handling of recertification; seconded by Daniel Shipley. Bell, Bowditch, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Charest and Herlihy abstained. Motion carried.

#2006-REA-2550: A motion was made by Walter Bowditch to find grounds for disciplinary action; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to schedule a hearing; seconded by William Dobrowolski. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to offer a Consent Agreement to include: (1) admission to violations (§14014(1)(B)(G)(I)(J), USPAP Ethics/Conduct/Competency, Standards Rule 1-1(a)(b)(c), 1-2(e)(i)(iv), 1-4(a)); (2) letter of reprimand; (3) license revocation; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

#REA-2006-2564: A motion was made by Walter Bowditch to find grounds for violation and to dismiss upon finding no violation of Board statute or rules and issue a Letter of Guidance regarding confidentiality and proper handling of recertification; seconded by Daniel Shipley. Bell, Bowditch, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Charest and Herlihy abstained. Motion carried.

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#2006-REA-2584/2585: A motion was made by Walter Bowditch to find grounds for disciplinary action; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Walter Bowditch to schedule a hearing; seconded by James Murphy. Bell, Bowditch, Charest, Dobrowolski, Murphy, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

A motion was made by Daniel Shipley to offer a Consent Agreement to include: (1) admission to violations (§14014(1)(B)(G)(I)(J), USPAP Ethics/ Conduct/Competency, Standards Rule 1-1(a)(b)(c), 1-2(a)(b)(c)(e)(i)(iv)(g)(h), 1-3(a)(b)(f), 1-4(a)(f), 1-5(a)); (2) letter of reprimand; (3) \$1000 fine; (4) minimum 180 day suspension, reduced to 90 days if the fine is paid and the following is completed (1) minimum 30-hour basic appraisal course with exam; (2) 15-hour USPAP course with exam; seconded by Walter Bowditch. Herlihy abstained. Motion carried.

Board Decision and Order

Roger K. Beesley/Kathleen W. Loughrey: Motion for reconsideration (Beesley): A motion was made by Daniel Shipley to deny the Motion for Reconsideration; seconded by Bruce Bell. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy and Murphy abstained. Motion carried.

A motion was made by Walter Bowditch to accept the Decision and Orders as amended; seconded by Daniel Shipley. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy and Murphy abstained. Motion carried.

Review and Action on Applications and Education

NAME	APPLYING TO	ACTION
#1	UPGRADE FROM LICENSED RESIDENTIAL (AP) TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = YES 1 ST LICENSED RA – 9/9/03 AP – 10/2/03 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS = 2600++ WORK EXP HOURS ON FILE	06/06/2006 – BOARD REVIEWED LIST OF COMPLEX APPRAISALS AND REQUESTED SAMPLES FOR REVIEW
#2	UPGRADE FROM LICENSED RESIDENTIAL (AP) TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = YES 1 ST LIC 5/4/99 FLORIDA MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? = 3000++ WORK EXP HOURS ON FILE	06/06/2006 – BOARD REVIEWED LIST OF COMPLEX APPRAISALS AND REQUESTED SAMPLES FOR REVIEW
APPLICATIONS PENDING		
#1	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED	06/06/2006 – APPRAISALS

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	RESIDENTIAL EXAM MIN 120 QE BAL MET? – NO 90 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = YES 1 ST LIC 6/27/03 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? 3107 WORK EXP HOURS ON FILE	DISTRIBUTED – BOWDITCH
#2	UPGRADE FROM LIC RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES 135 QE HOURS ON FILE MIN 24 MONTHS EXP MET? = YES 1 ST LIC RA – 2/1/2000 AP – 12/23/2002 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? – NO – 2110	06/06/2006 – MOTION BY MURPHY TO TABLE AND ALLOW 90 DAYS FOR APPLICANT TO SUBMIT COMPLEX APPRAISALS; SECONDED BY SHIPLEY. UNANIMOUS.
REQUESTS FOR REINSTATEMENT		
#1	TRAINEE LICENSE EXPIRED 07/17/2005	06/06/2006 – NO CE REQ; IS WITHIN 2 YEAR PROVISION TO REINSTATE; FEES PAID. MOTION BY BOWDITCH TO APPROVE FOR REINSTATEMENT; SECONDED BY MURPHY. UNANIMOUS.
#2	LIC RESIDENTIAL LICENSE EXPIRED 12/31/2005	06/06/2006 – 28 CE COMPLETED; IS WITHIN 2 YEAR PROVISION TO REINSTATE; FEES PAID. MOTION BY MURPHY TO APPROVE FOR REINSTATEMENT; SECONDED BY DOBROWOLSKI. UNANIMOUS.
TABLED APPLICATIONS		
#1	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = YES MIN 24 MONTHS EXP MET? = FIRST LIC RA – 06/19/2002 TO 10/23/2003 AP – 10/23/2003 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH “SOME” MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	08/07/2006 – 02/07/2006 – BD D&O SIGNED; AUG 7, 2006 = @ 180 DAYS TO RESUBMIT 01/03/2006 – APPEAL HEARING SCHEDULED FOR 10:00; APPEAL WITHDRAWN; GIVEN 180 DAYS TO SUBMIT ADDITIONAL APPRAISALS 01/03/2006 – APPEAL HEARING SCHEDULED FOR 10:00] 11/04/2005 – REC'D APPEAL LETTER 11/06/2005 – END OF 30 DAY APPEAL PERIOD 10/07/2005 – DENIAL LETTER SENT 10/04/2005 – DENY §14023(2)(5) LACK OF COMPETENCY TO CONDUCT “MAJOR” APPRAISALS; §14031(1); CHAPTER 200 SECTION 4(B)(2) 10/04/2005 – REPORT ON REVIEW OF APPRAISALS – SHIPLEY
#2	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? = NO 75 QE HOURS ON FILE; NEEDS TO TAKE 45 MORE QE HOURS] MIN 24 MONTHS EXP MET? = YES 1 ST LIC 4/4/02 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? = 2673 HOURS ON FILE	06/06/2006 = NO CERTIFICATES YET; MOTION BY MURPHY TO CONTINUE TO TABLE; SECONDED BY BOWDITCH. UNANIMOUS. 05/02/2006 – TABLE TO JUNE; COURSE ENDS MAY 30 TH 04/04/2006 – TABLE TO MAY 03/08/2006 – P/C W/APPLICANT; IS

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		TAKING COURSES THIS SPRING; WILL SUBMIT REQUEST TO TABLE APPLICATION TO END OF MAY 03/07/2006 – BOARD VOTED TO TABLE TO 4/4/06 03/06/2006 – P/C TO SUPV; MISTAKENLY TOOK MULTIPLE “CE” COURSES; REQUEST TO TABLE FOR A MONTH TO GET CLASSES COMPLETED
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Rule Amendment Chapter 240 – Adoption

The comment period ended on May 26, 2006 with no comments received. A motion was made by Walter Bowditch to adopt the rules as proposed; seconded by Daniel Shipley. Unanimous.

Correspondence

Email – REALINK: Provided for informational purposes.

Next Meeting Scheduled for July 11, 2006

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk